THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24738 OF 2005

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DATED 21.11.2005

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BETWEEN

Mir Firasath Ali Baqri

… Petitioner

and

The Principal Secretary, Municipal Administration and Urban Development Department, Government of A.P., Secretariat Buildings, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24738 OF 2005

ORDER:

The petitioner claims to be the General Secretary of Balsetty Kaith Sports Club, Panjetan Colony, Darulshifa, Hyderabad. He alleges that the members of the said sports club are using the open area in the locality as playground and also conducting cultural activities. According to the petitioner, for the entire population of six lakhs in Yakutpura Assembly Constituency, it is the only playground available. The petitioner came to know from the newspapers that there is a proposal for construction of new building in the playground for the library and gym, demolishing the existing library. The petitioner also learnt that there is a proposal to construct water tank in the playground and therefore the petitioner approached this Court by filing the present writ petition seeking a writ of Mandamus declaring the action of the

second respondent in constructing new library, gym and water tank in the playground as illegal and library.

At the stage of preliminary hearing itself, the learned standing counsel for Municipal Corporation of Hyderabad submits that in the place of library and gym building, which are in dilapidated condition, the Municipal Corporation has taken up construction of new building for library and gym in the corner of the playground. The learned standing counsel for Hyderabad Metropolitan Water Supply and Sewege Board (HMWS&SB) (Hyderabad Metro Water Board, for brevity) submits that Yakutpura locality is constituted in the tail end system of Misrigunj water supply zone, which is resulting in inadequate water supply to locality. Therefore, the fifth state level sanctioning committee proposed to construct 600 KL capacity sump and 1000 KL capacity ELSR with suitable pump house for improving water supply in Noorkhan Bazar and Azampura. Accordingly, the open land covered with compound wall, which is being used as playground, was selected and on the request made by Hyderabad Metro Water Board, the Municipal Corporation has handed over 2,230.00 square meters of land on 11.03.2005. She also submits that the standing committee has approved the allotment of the said land to Hyderabad Metro Water Board.

There is no dispute that the land admeasuring 3,654.24 square meters belongs to Municipal Corporation of Hyderabad. The new library building is being constructed in a corner of the land, which will not in any manner obstruct any other activity. Further, as rightly submitted by the learned standing counsel for Hyderabad Metro Water Board, an extent of 2,213 square meters of land is proposed to be used for construction of sump and ELSR leaving 1,424 square meters for playground. Therefore, the submission of the learned counsel for the petitioner that the entire playground is being used for construction cannot be accepted. Further, no material is placed before this Court to show that the land in question was earmarked for playground by the Municipal Corporation. Mere use of the open land belonging to the Corporation as a playground does not in any manner preventing the public authorities to take up any construction for the welfare of the public.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

21.11.2005.

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